

SAO 4  
**Judge Hellerstein**

UNITED STATES DISTRICT COURT

Southern

District of

New York

EXPRESS, LLC,

SUMMONS IN A CIVIL ACTION

V.

CLOTHING FOR MODERN TIMES LTD. D/B/A  
URBAN BEHAVIOR and CMT AMERICA CORP.

07 CV 11410  
CASE NUMBER

TO: (Name and address of Defendant)

CMT America Corp.  
205 Enterprise Drive  
Bristol, Connecticut 06010-9589

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Frank J. Colucci, Esq.  
Colucci & Umans  
218 East 50th Street  
New York, New York 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

*Satecia Curtis*  
(By) DEPUTY CLERK

DEC 19 2007

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;">           _____  <i>Address of Server</i> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

## AFFIDAVIT OF SERVICE

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07CV11410 AND FILED ON DECEMBER 19, 2007

ATTORNEY(S): Colucci &amp; Umans, Kathleen McCann

Express, LLC

Plaintiff

vs

Clothing for Modern Times Ltd, et al

Defendant

STATE OF CONNECTICUT COUNTY OF New Haven, SS.:

Stuart Perlmutter

being duly sworn deposes and says:

Deponent is not a party herein and is over 18 years of age. On 01/02/08 @ 2:30 PM at \_\_\_\_\_ M.,  
 at 100 Pearl Street, Hartford, CT 06516 deponent served the within

Civil Cover Sheet, Summons, Rule 7.1 Statement, Complaint, Individual Rules of Judge Alvin Hellerstein, Individual Practices of Judge  
 Michael H. Dolinger, Instructions for Electronic Filings

on: CMT America Corp. Defendant therein named.

## INDIVIDUAL

A ☐

By personally delivering to and leaving with said \_\_\_\_\_  
 a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said

## CORPORATION

B ☒

By delivering to and leaving with Melvin Simon at 100 Pearl St., Hartford, CT  
 and that deponent knew the person so served to be the Registered Agent of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE  
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with \_\_\_\_\_ a person of suitable age and discretion  
 at \_\_\_\_\_ the said premises being the defendants/respondents  
 [ ] dwelling place (usual place of abode) [ ] actual place of business within the State of \_\_\_\_\_

AFFIXING  
TO DOORD ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [ ] dwelling house (usual place of  
 abode) [ ] actual place of business within the State of \_\_\_\_\_

MAILING TO  
RESIDENCE  
(use with C or D)E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed  
 to defendant at defendant's residence at \_\_\_\_\_  
 and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within  
 the State of \_\_\_\_\_ on \_\_\_\_\_

MAILING TO  
BUSINESS  
(use with C or D)E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed  
 to defendant at defendant's actual place of business at \_\_\_\_\_ in an official depository  
 under the exclusive care and custody of the United States Post Office within the State of \_\_\_\_\_. The envelope  
 bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
 communication was from an attorney or concerned an action against the defendant and mailed on \_\_\_\_\_

PREVIOUS  
ATTEMPTS  
(use with D)F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____	Date _____	Time _____
Day _____	Date _____	Time _____
Day (Saturday) _____	Date _____	Time _____

Deponent spoke with \_\_\_\_\_ who stated to deponent that the said defendant(s)  
 lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT  
DESCRIPTION  
(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 55 Approximate weight 170 Approximate height 5'6 Sex M  
 Color of skin white Color of hair Brown Other \_\_\_\_\_

MILITARY  
SERVICE☒

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States  
 Government and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person  
 mentioned and described in said legal papers as defendant/respondent therein.

NON-  
SERVICEH ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due  
 to the following: [ ] Not known at address [ ] Address does not exist [ ] Evading [ ] Moved left no forwarding [ ] Other \_\_\_\_\_

WIT FEES \$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 5 day of January, 2008

Stuart J. Perlmutter  
 My Commission Expires 12/31/08

Please Print Name Below Signature  
 Stuart Perlmutter

Invoice/Work Order # SP0710774